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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

NATIONAL TPS ALLIANCE, MARIELA
GONZÁLEZ, FREDDY JOSE ARAPE RIVAS,
M.H., CECILIA DANIELA GONZÁLEZ
HERRERA, ALBA CECILIA PURICA
HERNÁNDEZ, E.R., HENDRINA VIVAS
CASTILLO, A.C.A., SHERIKA BLANC, VILES
DORSAINVIL, and G.S.,

Plaintiffs,

vs.

KRISTI NOEM, in her official capacity as
Secretary of Homeland Security, UNITED
STATES DEPARTMENT OF HOMELAND
SECURITY, and UNITED STATES OF
AMERICA,

Defendants.

Case No. 3:25-cv-01766-EMC

**DECLARATION OF EMILOU MACLEAN
IN SUPPORT OF STIPULATION AND
[PROPOSED ORDER] RE: BRIEFING
SCHEDULE FOR PARTIES' CROSS-
MOTIONS FOR SUMMARY JUDGMENT**

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1 I, Emilou MacLean, declare as follows:

2 1. I am an attorney at law duly licensed and entitled to practice in the State of
3 California. I am a Senior Staff Attorney at ACLU Foundation of Northern California, counsel of
4 record in this action for Plaintiffs. I have personal knowledge of the facts set forth in this declaration
5 and, if called as a witness, I could and would testify competently thereto.

6 2. I file this Declaration in support of the Parties' Stipulation Re: Briefing Schedule for
7 Parties' Cross-Motions for Summary Judgment.

8 3. There have been the following previous time modifications in this case:

- 9 • On February 25, 2025, the Court granted Plaintiffs' Motion to Shorten Time
10 regarding Plaintiffs' Motion to Postpone Effective Agency Action (Dkt. 45) for good
11 cause shown and advanced the parties' briefing schedule and hearing on the Motion
12 to Postpone. *See* Dkt. 51.
- 13 • On March 31, 2025, in response to Plaintiffs' Motion to Shorten Time to Confer
14 under Rule 26(f) (Dkt. 79), the Court ordered parties to meet and confer within a
15 week of its order. *See* Dkt. 93.
- 16 • On April 2, 2025, the Court granted Defendants' Motion to Shorten Time regarding
17 its Motion to Stay Pending Appeal to the Ninth Circuit (Dkt. 96), and denied
18 Plaintiffs' Motion for Extension of Time to file Response and Reply (Dkt. 98), thus
19 ordering Plaintiffs to file their Response on April 3, 2025. *See* Dkt. 99.
- 20 • On April 8, 2025, the Court advanced the Initial Case Management Conference from
21 May 20, 2025, to April 21, 2025. *See* Dkt. 107.
- 22 • On April 30, 2025, the Court granted the parties' Stipulated Cross-Motion Briefing
23 Schedule regarding the Parties' respective Motions for Summary Judgment ("MSJ"),
24 and ordered Plaintiffs to file their MSJ on May 26, 2025; Defendants to file their
25 Opposition to Plaintiffs' MSJ and their own MSJ on June 10, 2025; Plaintiffs to file
26 their Reply in further support of their MSJ and their Opposition to Defendants' MSJ
27 on June 20, 2025; Defendants to file their Reply in further support of their MSJ on
28 June 27, 2025; and set argument on the Parties' MSJs for July 11, 2025. *See* Dkt. 124.

- On May 9, 2025, the Court granted the Parties' Stipulated Motion to Dismiss and Cross Summary Judgment Motion Briefing Schedule and ordered Plaintiffs to file their MSJ on May 27, 2025, Plaintiffs to file their Opposition to Defendants' Motion to Dismiss on May 28, 2025, and Defendants to file their Reply in support of their Motion to Dismiss on June 10, 2025. *See* Dkt. 134.
- On May 21, 2025, this Court granted Plaintiffs' Motion for Order Shortening Time and Setting Schedule Re: Plaintiffs' Motion to Preserve Status and Rights under Section 705 ("Motion to Preserve"), and ordered Defendants to respond to the Motion to Preserve by May 27, 2025 at 5:00 PM PST, Plaintiffs to file their Reply by May 28, 2025, at noon, and for the Motion to Preserve to be heard at the hearing already scheduled for May 29, 2025. *See* Dkt. 146.

4. On May 19, 2025, pursuant to Court Order, (*see* Dkts. 135, 143), Defendants produced 77 documents responsive to Plaintiffs' first, second and sixth requests for production. On May 22, 2025, Defendants' counsel emailed Plaintiffs' counsel to notify Plaintiffs that 159 documents from USCIS custodians that were potentially responsive to Plaintiffs' requests for production were inadvertently not batched out for review. Defendants' counsel stated that they intended to have the documents reviewed, and responsive, non-privileged documents produced, by May 27, 2025, and offered to adjust the briefing schedule on the Parties' cross-motions for summary judgment to accommodate this belated production.

5. Accordingly, the Parties agreed to the following changes to the briefing schedule for the Cross-Motions for Summary Judgment, subject to Court approval:

- Plaintiffs shall file their Motion for Summary Judgment on or before June 3, 2025.
- Defendants shall file their Opposition and Cross-Motion for Summary Judgment on or before June 17, 2025.
- Plaintiffs shall file their Reply in further support of their Motion for Summary Judgment and their Opposition to Defendants' Motion for Summary Judgment on or before June 27, 2025.
- Defendants will waive their Reply in further support of their Motion for Summary

Judgment.

- The Court will hear argument on the Parties' Cross-Motions for Summary Judgment on July 11, 2025.

6. If granted, the stipulation will have no effect on the overall case schedule. The Parties' proposed changes to the briefing schedule will have no effect on the hearing date for the Parties' Cross-Motions for Summary Judgment, currently set for July 11, 2025.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on May 23, 2025, in San Francisco, California.

Emilou MacLean

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